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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/723,868 | 11/28/2000 | Daniel Faneuf | FANEUF 00.02 | 6422 |

7590 12/19/2002

Norman P. Soloway
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Manchester, NH 03101

EXAMINER

SMITH, KIMBERLY S

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3644

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

8

Office Action Summary

Application No.

09/723,868

Applicant(s)

FANEUF, DANIEL

Examiner

Kimberly S Smith

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 16 April 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/13/02 have been fully considered but they are not persuasive. The Applicant has stated that the *independent claim 1 requires "[a] loop capable of exerting a force on the biasing member thereby increasing the gripping force"*. It is maintained that Johnson (US 6,044,582) in view of Yaman (JP 11-169596A) teaches such a limitation. Johnson is cited to disclose a rope marker assembly for culling fish in which a rope is attached to a clip. The basis of the rejection is in view of Yaman that introduces the clip which would have been obvious of one of ordinary skill in the art to combine with Johnson. In the modification, it is the clip of Yaman and the rope marker of Johnson that form the basis of the obviousness rejection. As such, the clip taught by Yaman does disclose a clip in which a loop is capable of exerting a force on the biasing member thereby increasing the gripping force. As seen in figures 4 and 7 of Yaman, the attachment juncture for the rope is attached to the biasing member at the mid point of a concavity. As the weight of a fish is applied to the clip, the concavity is pulled upward which thereby imparts a force on the biasing member thereby increasing the gripping force. The rejection to claims 1-20 is maintained.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 and 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson, US Patent 6,044,582 in view of Yaman, JP 11169596A.

Johnson discloses an apparatus for holding fish comprising a length of rope (12) having a loop formed at a first end (seen in figure 3), the loop securing the rope to a clip (32) wherein the clip is adapted for releasably holding a fish. However, Johnson does not positively disclose the clip design with the exception that the clip is held by the lower end portion loop of the rope and that is adapted for releasably holding a fish. Yaman teaches a molded clip with an attached rope for holding fish having two or more opposing protrusions moveable between a first position and a second position, the protrusions urged towards one another by a biasing member to create a gripping force capable of holding a fish without punching a hole in the fish. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the clipping device taught by Yaman as the clipping device disclosed by Johnson to prevent the puncturing of the fish. It would have also been obvious to one having ordinary skill in the art to apply the clip taught by Yaman to the device disclosed by Johnson as a matter of design choice since the clipping device as taught by Yaman includes a base part capable of being held within the lower end portion of the rope (seen in the figures) and having a hook part adapted for releasably holding a fish as required by Johnson.

Regarding claim 12, Johnson as modified discloses the rigid members being rotatable about a spacer.

Regarding claim 10, Johnson as modified discloses the protrusions being angled towards the biasing member (as seen in the figures of Yaman).

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Regarding claims 2 and 13, Johnson as modified discloses the clip being molded as one piece.

Regarding claims 3 and 14, Johnson as modified discloses the claimed invention except for the use of acetal resin (Yaman teaches the use of resin). It would have been obvious to one having ordinary skill in the art at the time the invention was made to manufacture the clip from acetal resin, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Regarding claims 4 and 15, Johnson as modified discloses the rope being a braided hollow polypropylene (column 1, line 45 of Johnson).

Regarding claims 5, 16 and 17, Johnson as modified discloses the loop being formed by inserting the first end of the rope inside the hollow rope a spaced distance from the first end wherein the loop couples the rope to the clip (seen in figure 3 of Johnson).

Regarding claims 6 and 18, Johnson as modified discloses the rope having a positive buoyancy in that braided hollow polypropylene is capable of being buoyant on water (see also column 2, lines 43-45 of Johnson).

Regarding claims 7 and 19, while Johnson as modified does not disclose the rope comprising a second end which is formed into a loop, it is well known that the addition of a loop in a length of rope assists in the holding of the rope (e.g. an animal leash) and is therefore considered to be within the ordinary skill of an artisan in the art to loop the second end of the rope to aid in the grasping of the rope.

Regarding claim 8, Johnson as modified discloses a marker for indicating the weight of an attached fish (column 1, lines 37-39 of Johnson).

Regarding claims 9 and 20, Johnson as modified discloses the rope being adapted to float on the surface of water.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson as modified as applied to claim 1 above, and further in view of Applicant's Admission, pages 3-4 and Figure 1 of current application (Admission).

Johnson as modified discloses the invention substantially as claimed. However, Johnson as modified does not disclose the protrusions comprising a plurality of grooves. Admission teaches within the same field of endeavor the use of a plurality of grooves on the protrusions to aid in gripping an object. It would have been obvious to one of ordinary skill in the art to apply the gripping protrusions as taught by admission to clip disclosed by Johnson as modified (in particular figure 7 of Yaman) in order to aid in the gripping of the fish.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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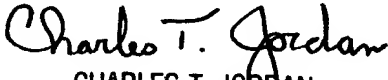
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly S Smith whose telephone number is 703-308-8515. The examiner can normally be reached on Monday thru Friday 10:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles T Jordan can be reached on 703-306-4159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

kss
December 17, 2002


CHARLES T. JORDAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600